

#95-77-A

2  
3 sources for the donations are subject to the limitations and  
4 prohibitions of 2 U.S.C. §441b and 11 CFR Part 114. See  
5 Advisory Opinions 1991-23, 1989-18, and 1983-24. In Advisory  
6 Opinion 1989-18, the Commission held that unsolicited  
7 donations of raffle prizes for SSF fundraising received from  
8 individual non-corporate donors who did not belong to the  
9 connected trade association were permissible as long as such  
10 donations fell within the contribution limitations and were  
11 not otherwise prohibited by the Act. See 11 CFR 114.5(j).

12 ~~[The Commission cautioned, however, that these non members  
13 could not be solicited for the contribution since they were  
14 outside the solicitable class. Advisory Opinion 1989-18.]~~

15 The Commission treated these donations as contributions to  
16 the SSF, and not as the payment of PAC solicitation expenses,  
17 since the individuals <sup>could not be said to be providing support to their own trade association</sup> ~~[were not in the solicitable class and,  
18 if which they were a member.  
19 hence, ineligible to pay such solicitation costs.]~~ Donations  
20 to defray solicitation costs, or for the purchase of  
21 fundraising items, from corporations not in a qualified  
22 membership class of the association are prohibited under 2  
23 U.S.C. §441b and, hence, may be neither solicited nor  
24 accepted. See Advisory Opinions 1991-23 and 1983-24.

25 To underwrite the costs that NAR and the Member Boards  
26 incur in soliciting contributions, those entities may solicit  
27 donations from individuals who are solicitable members.

28 Since these are ~~[solicitable]~~ individuals <sup>members</sup>, donating funds to their  
29 ~~[connected organizations and not to the PAC],~~ such donations,  
30 whether solicited or unsolicited, are not subject to the